

Message

From: William Bider [KDHE] [William.Bider@ks.gov]
Sent: 8/22/2018 2:50:22 PM
To: Smith, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f8ca6ba195244bc38b6e649f46632dff-SMITH, JOHN]; Martin, Mike [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ef9a2087ab3d4ae59efa5d2416de7190-MARTIN, MICHAEL]
CC: Christine Mennicke [KDHE] [Christine.Mennicke@ks.gov]; Leo Henning [KDHE] [Leo.Henning@ks.gov]
Subject: CCR Regulations
Attachments: In Latest EPA Legal Defeat, D.C. Circuit Vacates Key Parts of Coal Ash R....pdf

John and Mike,

Have you seen this yet? It could have major implications on our CCR application and our upcoming conversation with Steven Cook and Jim Gulliford. What do you think and do you believe this decision is likely to be appealed to the U.S. Supreme Court?

From my initial reading of this article, it seems that the court wants a more stringent approach to the surface impoundment standards with no flexibility based upon the lack of existing releases or risk-based decisions when releases have occurred. The court appears to be saying that since some unlined surface impoundments have leaked, all may leak, so all have to be constructed according to the higher standard (composite liner system).

Bill Bider
Director
Bureau of Waste Management